

City of Camanche
September 20, 2022

The City Council of the City of Camanche, Iowa met in regular session September 20, 2022 at 6:00 p.m. at Camanche City Hall. Present on roll call: Mayor Austin Pruett presiding, and Council members Bowman, Determann, Schnoor, Varner and Weller. Also present were City Attorneys John Frey, Randy Current and Braydon Roberts (online), City Engineer Dan Solchenberger, City Administrator Andrew Kida (online) and Department Heads Pewe, Schmitz, Schutte and Schneider.

A moment of silent prayer was observed. Mayor Pruett led the Pledge of Allegiance.

Moved by Councilman Bowman, second by Councilman Varner to approve the Agenda. On roll call – all Ayes.

Mayor Pruett asked for public comments on agenda topics. Colin Sullivan spoke and said he is here tonight to discuss the voting on the ordinance that essentially enforces private residents to put sidewalks on their properties where there aren't sidewalks. He thanked Council for allowing him the opportunity to speak. He feels the sidewalk ordinance is arbitrary and singles out subdivisions unnecessarily where we don't need to at the moment. He said he and his wife received a letter essentially stating that we need to put a sidewalk in place per zoning ordinance. He feels like it was dishonest because he feels like that's making me as a resident feel as though, an attempt to make me feel as though I need to spend money to take action and put a sidewalk in. I feel like it was an attempt to have this passed without City Council voting on it. He feels like City Council is the one who needs to put this in place. He thinks a lot of City Council members didn't even know about this. He said if he puts a sidewalk in now and constructs a home later only to dig it up, it is extremely wasteful of resources and his own personal money. He feels it is a government overreach and hopes the City Council can put themselves in his shoes. If you get this letter, how would you feel. I feel like you would feel like I feel about the ordinance. Why we are starting with the subdivisions I don't understand. Like Rich brought up last meeting he asked why start with subdivisions and private property and not City property. He feels like it is arbitrary. He doesn't feel like it is a safety concern where his property is. Is this absolutely necessary to force on the residents. He hopes Council can see the residents' perspective and appreciates the time.

Rich Klahn spoke. He stated that he asks respectfully if the vote is yes, to please give an explanation why. We've given all kinds of explanations why not and I know you are not required to explain your votes, but public meetings like this is where these discussions should take place and not behind closed doors. In the history of Camanche, this has never been an issue; what has changed now to make this come up. And it is still not an issue across the town, just an issue for these four subdivisions. So, if you are going to require several of us in these singled-out subdivisions to pay thousands of dollars for sidewalks I ask you to please give us the courtesy of some kind of explanation for that. Keep in mind that all of us are going through some of the worst inflation on record. The resolution has changed a bit since last meeting. There's further language about safety. So please explain why safety in these particular neighborhoods is more important than the rest of town. There's hundreds of properties that don't have sidewalks in town. Please explain why it's important for there to be sidewalks on these empty lots in low traffic neighborhoods. There are not sidewalks on City properties that have much higher traffic, hundreds of kids. I talked about properties here before. With all due respect if there were some kind of 10-year plan to get sidewalks on these properties, why are you giving us one year. But my empty lots and others like it, I don't think are a safety concern. So, please give an explanation if you are a yes vote, I know you don't have to but give the courtesy. If this is not approved, I would request a letter be sent to all the property owners that got the first set of letters because they didn't have Council approval.

Doug Dodson spoke. He said he also has a lot and received the letter and he kind of agrees with the aforementioned comments. He would like to reiterate that he objects this, especially based on the note of it being some kind of safety issue. I've spent quite a bit of time over in Murphy's, people walk by there constantly and nobody uses the sidewalk. This is not a

area where it's a high traffic area. There's not a lot of intersections, a lot of cars in and out. If this is truly a safety issue, we do need to address some other areas in town such as Washington Boulevard where you cross back and forth to use the sidewalk, 3rd Street doesn't have any sidewalk, 4th Street is one of the busiest streets we have in town for pedestrians because I live over in that area right now and people coming up and over that hill and there are no sidewalks. To put this subdivision and the others mentioned in this ordinance to be discriminated unjustly compared to some of the other places within town really needs to have some kind of good reasoning behind it.

Moved by Councilman Bowman, second by Councilman Determann to approve the Consent Agenda which covered the following: Approve minutes from the Council meeting held on September 6, 2022; approve Abstract No. 807 which includes the following:

CAMANCHE WATER WORKS	3RD QTR 2022 WATER/SEWER BILLS	521.37
CLINTON HERALD	LEGAL PUBLICATIONS	607.00
CLINTON HUMANE SOCIETY	1 DOG,4 DAYS-3 CATS,3 DAYS EA	325.00
CITY OF CLINTON	FY23 SEWER CAPITAL RESERVE	71,558.55
CLINTON NATIONAL BANK	FED/FICA TAX WITHHOLDING	11,983.76
CL CO AREA SOLID WASTE	YARDWASTE	421.52
COLLECTION SERVICES CTR	GARNISHMENT	313.65
CULLIGAN	WATER, DISP RENT-CITY HALL,LIBRARY	46.70
MANATTS	.79 TON PRE MIX	90.85
EASTERN IA LIGHT & POWER	SECURITY LIGHT-ANAMOSA RD,9TH ST	55.31
EMER MEDICAL PRODUCTS INC	GAUZE PADS,GLOVES,BANDAGES-AMB	177.55
HARTZ LOCK COMPANY	KEYS-PUBLIC WORKS	5.00
INGRAM BOOK COMPANY	BOOKS/DVDS	89.77
INTERSTATE ALL BATTERY	BATTERIES-FIRE DEPARTMENT	62.97
J & C ENTERPRISES	AUG 2022 COLLECTION	95.68
KENDRICK TERMITE SERVICE	TERMITE INSPECTION-POLICE DEPT	70.00
MEDIACOM	INTERNET	174.92
MERCY MEDICAL CENTER-CLIN	AUGUST 22 PHARMACEUTICALS	240.00
MICROMARKETING LLC	CDS WITH CASES	169.24
MIDAMERICAN ENERGY CO	STREET LIGHTING	2,575.48
ACCESS SYSTEMS	COPIES-POLICE DEPARTMENT	85.60
MUNICIPAL FIRE & POLICE	MUNICIPAL PENSION	12,735.04
PANTHER UNIFORMS INC	UNIFORMS-BIELEMA	278.54
POSTMASTER	MAIL 3RD QTR WATER/SEWER BILLS	682.28
PRESTO-X-COMPANY	PEST CTRL-CCTR,CHALL,LIB,HIST BLDG	189.20
QC ANALYTICAL SERVICES	SAMPLE ANALYSIS	126.00
RK AUTOGRAPHICS	SIGNS-CITY PARKS CAMERA PROJ	330.00
TEAM TWO INC	AMBULANCE BILLING-AUG 2022	1,750.97
TREASURER STATE OF IOWA	AUG EXCISE,SALES,WITHHOLDING TAX	243.72
USA BLUEBOOK	HACH FOR WATER SAMPLES	606.81
BRIAN WERNICK	AUG 2022 AMBULANCE STIPEND	60.00
WINKEL,PARKER & FOSTER	PROGRESS BILLING FY22 AUDIT	11,700.00
1ST GATEWAY CREDIT UNION	UNION DUES DEDUCTIONS	225.00
JORDAN MOORE	AUG 2022 AMBULANCE STIPEND	20.00
PETERSEN SANITARY INC	PORTABLE TOILETS-PARKS	865.00
CENTURYLINK	TELEPHONE EXPENSE	166.75
FIRE SERVICE TRAINING	FIRE TRAINING SCHOOL-TEAGARDEN	50.00
STATE HYGIENIC LABORATORY	SAMPLE ANALYSIS	2,052.00
ERIC DAU	AUGUST 2022 PAID ON CALL	180.00
PLATINUM SMART INC.	DATA BACKUPS AUG 2022	400.00
FREY, HAUFE & CURRENT PLC	LEGAL SERVICES-AUGUST 2022	1,558.83
XEROX BUSINESS SERV LLC	FIRE DEPARTMENT COPIER EXPENSE	117.56
HSA ACCOUNTS	HSA- EMPLOYEES	1,425.00
IOWA STATE UNIVERSITY	SCHNEIDER-IMFOA CLASSES	160.00
MOBILE TEAM TRAIN UNIT IV	MEMBERSHIP DUES FY2023	680.00
PLATINUM INFORMATION SVC	DESKTOP,SOFTWARE-NEW CH ASST	4,577.64
BRENT BRIGHTMAN	AUG 2022 AMBULANCE STIPEND	5.00

DANNY WELLER	AUG 2022 AMBULANCE STIPEND	96.00
DINGES FIRE COMPANY	FIRE TRAINING SYSTEM	12,818.63
IACP	IACP NET SUBSCRIBER	425.00
KIESLER POLICE SUPPLY	AMMUNITION-POLICE DEPARTMENT	379.09
CLINTON COUNTY AUDITOR	PEANUT BUTTER-ANNUAL FEE,Q1 FY23	567.14
CORY SNODGRASS	AUG 2022 AMBULANCE STIPEND	24.00
CHRISTIAN MARSH	AUGUST 2022 PAID ON CALL	220.00
JESSIE BAUGHMAN	AUG 2022 AMBULANCE STIPEND	24.00
BRANDON SMITH	AUG 2022 AMBULANCE STIPEND	12.00
JENNIFER BIELEMA	AUG 2022 AMBULANCE STIPEND	60.00
JEFFREY HACKNEY	AUG 2022 AMBULANCE STIPEND	36.00
MICHELLE SOWLE	AUG 2022 AMBULANCE STIPEND	40.00
THOMAS FRANKLIN	AUG 2022 AMBULANCE STIPEND	180.00
JOHN LUND	AUG 2022 AMBULANCE STIPEND	25.00
TRISH ANN ANDERSON	AUG 2022 AMBULANCE STIPEND	20.00
MICHAEL ANDERSON JR	AUG 2022 AMBULANCE STIPEND	12.00
MICHAEL BURMAHL	AUG 2022 AMBULANCE STIPEND	84.00
TONY BLOMME	AUG 2022 AMBULANCE STIPEND	192.00
PLATINUM LEASING SERVICES	OCT 2022 LEASE PAYMENT	853.00
MIDWEST GROUP BENEFITS	WEEKLY CLAIMS,MONTHLY SVC FEE	1,690.17
GREAT WESTERN SUPPLY CO	PAPER PRODUCTS-CITY HALL	86.96
ACCESS SYSTEMS LEASING	LIBRARY COPIER LEASE	185.25
KYLE DEWITT	AUG 2022 AMBULANCE STIPEND	36.00
RILEY SOWLE	AUG 2022 AMBULANCE STIPEND	140.00
CINTAS	RUGS,TOWELS,RAGS-PWORKS,CHALL	64.35
TEMP ASSOCIATES-IOWA, INC	TEGELER-CITY HALL, WATER DEPT	649.60
HAROLD TEAGARDEN	AUG 2022 AMBULANCE STIPEND	55.00
AIRGAS USA, LLC.	CYLINDER RENTAL	46.08
FIRE SERVICE INC.-WISCONS	FF1 ANDREW DETERS	50.00
GAYLON PEWE	TIE-DOWN STRAPS-TRANSP FUSION	21.99
HI-VIZ SAFETY	YIELD,NO TRUCKS,STREET SIGNS	546.50
HAWKEYE PAVING CORP	PAY APPLICATION #3 ROUNDABOUT	258,031.64
MORGAN BUTT	AUG 2022 AMBULANCE STIPEND	5.00
ANDREW DETERS	AUG 2022 AMBULANCE STIPEND	5.00
BLANK PARK ZOO	PROGRAM-LIBRARY	344.32
DEPOSIT REFUNDS	REFUND DATE 09/08/2022	106.30
DEPOSIT REFUNDS	REFUND DATE 09/12/2022	26.90
PAYROLL CHECKS	PAYROLL CHECKS ON 09/16/2022	48,208.66
	CLAIMS TOTAL	457,222.84
	GENERAL FUND	97,745.56
	LIBRARY FUND	5,580.70
	PARKS FUND	1,948.40
	CEMETERY FUND	2,168.41
	ROAD USE FUND	5,884.41
	ROUNDABOUT-7TH AV/HWY 67 FUND	258,031.64
	WATER UTILITY FUND	9,850.60
	SEWER UTILITY FUND	74,272.28
	LANDFILL/GARBAGE FUND	1,740.84

Accept City Clerk/Treasurer's Report for August 2022 which includes receipts: General \$99,928.91, Library \$15,165.24, Parks \$7,697.67, Cemetery \$3,766.67, Road Use \$46,625.55, Employee Benefit \$8.86, Police & Fire Pension \$17.19, Debt Service \$34.25, ARP American Rescue Plan \$326,333.82, Water Utility Fund \$4,274.14, Sewer Utility \$8,003.71, Landfill/ Garbage \$2,543.14; Approve LMI Funding for 428 13th Place, 1460 17th Avenue, 1448 Lawrence Avenue, 307 15th Avenue, 1021 Middle Road, and 206 10th Place up to \$48,000 total; Receive, accept, and place on file draft minutes from the Historical Board meeting on August 8, 2022. On roll call – all Ayes.

Under Unfinished Business was the Resolution ordering sidewalk construction to complete passage in the Murphy's, Stearns, Lawrence and Edens 3rd Additions subdivisions. Councilman Bowman stated we are not discriminating. These subdivisions are identified first

but we are not discriminating. As far as placement of sidewalks, 4th Avenue for example, is too wide. If a sidewalk were installed, it would be right against the road. He visited the lots in question ~~and there are arguments for ordering a whole bunch of our citizens to spend a couple grand or more to put this concrete down.~~ **There are arguments for putting concrete on. On the other hand, we are asking our citizens to spend a couple grand on their sidewalks.** I think we need more time to discuss this. My suggestion is to revise the ordinance and put some kind of time constraint on it. I think we should table it and modify it and put caveats in it including length of time owned. Councilman Varner said he sympathizes with the cost factor because he has recently had work done at his home. He talked with construction workers and contractors and he saw it for himself. A cement truck drove over his sidewalk that was put in in 1961 and it did not hurt it. It also drove on his driveway and it did not break up. He talked with the driver about it who told him that if the sidewalk is constructed right, it won't break. And if it does, just take out the part that breaks and replace just that part. So, he thinks that argument is kind of moot. He said in the older part of town, we need to have gutter and sewer first before sidewalks. Councilman Schnoor said, as a lifetime resident of Camanche, he said it amazes him that things like this have to be brought up when we have never had issues like this before. He said he vouches for Mr. Dodson, he runs school busses around all day. We are so used to people walking all over. We are going way off on a lot of this stuff. It seems to me that we are coming up with stuff to justify some other things. He is against it. There will be a house there someday and a sidewalk someday. Councilman Determann said his house has curb and gutter and no sidewalk. He thinks we are at a dead end. Councilman Weller said we can't always go by past practices. Modern subdivisions have curb and gutter and sidewalks. He agrees with Dave, we need to look at some more of the wording. We have to start somewhere. He thinks they need to be there. We need to look at the timeframe. We should table it for now.

Moved by Councilman Varner, second by Councilman Bowman to Approve \$1,000 funding for Speak Out Against Suicide memorial garden. On roll call – all Ayes.

Chief Schmitz led a discussion regarding a Police Squad Car Lease Proposal. He talked about the current fleet and the number of miles each squad car has been driven. He has money in the equipment CD for the purchase but would need to do a budget amendment to accommodate purchasing 6 months early. The cost for lease-to-own would be \$80,000.

Moved by Councilman Bowman, second by Councilman Weller to Purchase 6 months early and not lease a squad car from Karl Chevrolet \$62,281.00 including required additional equipment. On roll call – all Ayes.

Chief Schutte presented the Camanche Fire Department August 2022 Report. Chief Schmitz presented the Camanche Police Department August 2022 Report.

Councilman Schnoor thanked the Fire Department for attending the bonfire and thanked the Police Department for working to help kids cross Washington Boulevard. Councilman Bowman said he attended the Surface Transportation Board meeting with Mayor Pruett and City Administrator Kida. He has forms available for people to complete if they want to register their position on the CP and KCS merger. Public Works Director Pewe talked about the discolored water; they are adding more polyphosphate to help with that. He said they have coned off a manhole cover on Washington Boulevard and 9th Avenue until it can be checked further for repair. He also mentioned PFAS and said that water tower #1 will be cleaned at the end of the month. City Engineer Dan Solchenberger reported on the roundabout project and said that soil borings will be done on 9th Avenue, one lane at a time.

Mayor Pruett called for public comments. Bob Edens said he has some personal and professional opinions about the sidewalk issues. He explained that when you work in Camanche vs. Clinton, the soil types are different, so the excavations are different. How the sidewalks will hold up to truck traffic or being built at certain times would affect their construction. I think there are ways to work it out and build in a timely fashion. He offered to talk with Council at any time if they were interested.

Rich Klahn spoke again. As far as explanations from you guys about why not the rest of the entire town, there are literally hundreds of properties in town without a sidewalk. I heard

one street was too large, too wide; that's one street, I heard curb and gutter, okay. You can have a sidewalk without curb and gutter, you've got around town there's lots of places that have it. So, we're talking safety. Safety is safety. You can put sidewalks in without curb and gutter. So, I also haven't heard any explanation as far as City property that I mentioned multiple times that have hundreds of kids on foot every day that don't have sidewalks. I'm 40 years old it's been like that my whole life. I've never had a problem. But if you're saying my property is a problem and the rest of us, then those properties are also a problem. He proceeded to challenge the procedure of tabling the agenda topic without a motion and a vote. City Attorney Frey explained to him that our proceedings are informal, so parliamentary procedures do not necessarily apply.

Doug Dodson spoke again. In the thought of another resolution or altering the resolution, if you're going to do that for several subdivisions, why wouldn't it be pertinent to do it for the rest of the town. That was not in place before? If that is the case, then I think anybody who is living on a property, who's got a house on a property, for x amount of years and has not put a sidewalk in they should also be obligated to put a sidewalk in, am I not correct? Why would that be different that these 4 subdivisions? He wants to make sure there is fairness throughout the City because it is a little discriminatory.

Chief Schutte said he appreciates all the concerns these people have. Something else we need to consider: this is something that has been in force, people have adhered to it. I think it is unfair to say it is discriminatory because it's not. There are people who have already done this; put in sidewalks in the same neighborhoods. If you are talking about unfair, some people do it and not other people. It is also important to get the ordinance right. I don't think it's fair to give an employee guidelines to do their job. Then they come to a meeting and get belittled, or they get put down and criticized. Whatever you decide to do, let's get it right.

City Attorney Current brought the Subdivision Ordinance to Council's attention. In that ordinance, those 4 subdivisions, as part of their platting procedure, agreed to put in sidewalks. That was part of the subdivision ordinance and that was part of the Council approval whenever those subdivisions were put into place. The old part of town has been mentioned in citizen comments. There was no such requirement when houses were built 100 years ago. All this resolution does is enforce the ordinance; it is already in place. Again, the developer agreed sidewalks would be installed.

Councilman Bowman asked for the City Administrator review to be placed on a future agenda, as requested by Mr. Kida.

A brief recess was taken at 6:54 p.m. The meeting reconvened at 7:04 p.m.

Moved by Councilman Bowman, second by Councilman Varner to go to Closed Session to discuss confidential reports concerning negotiation position; to discuss strategy with legal counsel concerning imminent litigation and to discuss purchase of sale of real estate. Iowa Code Section 21.5(1)(a), 22.7(6), 21.5(1)(c) and 21.5(1)(j). On roll call – all Ayes.

Reconvened to Open Session at 7:25 p.m.

Moved by Councilman Bowman, second by Councilman Varner to Direct the City Administrator to notify Canadian Pacific that we are rejecting their proposal. On roll call – all Ayes.

Moved by Councilman Varner, second by Councilman Weller to Direct the City Attorneys to prepare an Ordinance as per Iowa Code 364.8 Overpasses and Underpasses. On roll call – all Ayes.

Mayor Pruett adjourned the meeting at 7:27 p.m.